

# KOBRE & KIM MEMO ENDORSED

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October 21, 2021

**BY ECF**

Hon. Kenneth M. Karas  
United States Courthouse  
300 Quarropas St.  
Chambers 533  
White Plains, New York 10601-4150

**Re: *Joseph Terry v. CO James Hulse Jr., et al.*, No. 16-CV-252 (KMK) (AEK)**

Dear Judge Karas:

We are limited scope *pro bono* counsel for Plaintiff Joseph Terry in the above-captioned matter. We write to respectfully request that the hearing scheduled for December 7, 2021, be rescheduled for another date convenient to the Court.

This Court previously began a hearing on the exhaustion of administrative remedies on March 11, 2019, which was scheduled to resume on October 21, 2021. (Dkt. No. 180.) On October 15, 2021, the Parties made a joint request to adjourn the hearing date so that they could explore settlement of this action. (Dkt. No. 187.) On October 19, 2021, the Court granted the Parties' request and adjourned the hearing to December 7, 2021, at 10:00 AM EST. (Dkt. No. 188.)

With apologies for further burdening the Court, the new hearing date unfortunately conflicts with a previously scheduled appellate court date for Mr. Terry's lead counsel. Accordingly, we write to respectfully request that the hearing scheduled for December 7, 2021, be rescheduled for another date convenient to the Court. Defendants consent to this request, and this is the second request to adjourn the resumption of the hearing. I have conferred with Defendants' counsel and we would be available to participate in a hearing on November 22, 23, 29, or 30 or on December 1, 2, 6, 8, 9, 10, 13, 14, 15, 16, or 17. We thank you for your time and consideration in this regard.

Respectfully submitted,

/s/ Darryl G. Stein

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*Limited scope pro bono Attorney  
for Plaintiff*

*Granted. The Court will proceed with  
the hearing on December 10, 2021 at  
10:00 AM*

  
~~SO ORDERED~~

KENNETH M. KARAS U.S.D.J.

*10/25/2021*